

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

NAVELLIER & ASSOCIATES, INC. and  
LOUIS NAVELLIER,  
Defendants.

Case No. 17-cv-11633-DJC

**COMMISSION'S OPPOSITION TO  
DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY**

The Commission opposes Defendants' motion (ECF No. XXX) for leave to file a reply brief related to their motion for reconsideration of the February 13, 2020 Order because:

- 1) **Enough is Enough:** Each side has each already submitted their own summary judgment briefs, oppositions, replies, statement of facts, responses to statements of facts, and responses to responses to statements of facts, plus the motion for reconsideration and the opposition. If it hasn't been said already, it probably doesn't need to be and certainly is not important enough to carry the day on reconsideration.
- 2) **Defendants Already Took Extra Pages:** Defendants' reconsideration memorandum is 28 pages, exceeding the 20-page limit in Local Rule 7.1(b)(4) without leave from the Court to do so. They should not now get more pages to rehash the same arguments.
- 3) **Defendants Failed to Meet and Confer on this Motion:** Defendants' counsel apparently left a message for Commission counsel at 5:00 pm yesterday, and finished filing their Motion shortly at 6:26 pm, claiming "I have not heard back from

Plaintiff's counsel." This may just be a motion for leave to file reply, but parties shouldn't certify they have complied with meet-and-confer rules when they haven't.

For these reasons, the Court should deny the Motion for Leave to File Reply.

Dated: March 27, 2020

Respectfully submitted,

**SECURITIES AND EXCHANGE  
COMMISSION**

By its Attorneys,

/s/ Marc J. Jones

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**CERTIFICATE OF SERVICE**

I certify that on March 27, 2020, a copy of the foregoing was electronically filed through the ECF system and will be sent electronically to all persons identified in the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants.

Dated: March 27, 2020

/s/ Marc J. Jones